DIVISION OF JUVENILE JUSTICE
CALIFORNIA EDUCATION AUTHORITY

4241 Williamsbourgh Drive
Sacramento, CA 95823

January 24, 2011

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
Washington, DC 20036

Dear Ms. Dortch:

LETTER OF APPEAL
ADMINISTRATOR'S DECISION ON APPEAL - FUNDING YEAR 2006-2007
CC Docket No. 02-6, 471 App. #:503157 -Entity #209920 -FCC Reg. #:0013160866
CDCR-DJJ/CALIFORNIA EDUCATION AUTHORITY

Please accept the following facts as sufficient evidence to reverse the decision of "Improperly Disbursed Funds" and allow the schools and students of the California Education Authority (CEA) to retain the funds used to make appropriate purchases.

Audit Finding: Lack of Approved Technology Plan

The California Education Authority is the school district of the Division of Juvenile Justice, California Department of Corrections and Rehabilitation (CDCR-DJJ). The CEA Education Technology Advisory Group developed the 2006-07 technology plan and sent the plan ready for the E-Rate Technology Plan approver Lauri Bailey on December 21, 2005 - prior to the receipt of the requested services. The plan was approved, but needed reformatting to conform to the approver's alignment requirements. Once that realignment was completed, the plan was approved March 5, 2007 and covered a three year period beginning July 1, 2007 through June 30, 2010.

We believe that CEA should not lose the funds for the reasons told: "Technology Plan not approved." The CEA had followed the guidance, templates, and timelines that had been provided by the Sacramento County Office of Education (SCOE) E-Rate plan approver. The plan was approved, but non-substantive procedural delays resulted in the final formal date of approval to occur after CEA staff work had progressed further. Having talked with the approver, the CEA Education Technology Coordinator had known the plan would be approved, and had not realized that the 2006-07 technology plan had not yet received that "official" E-Rate approval. The CEA Technology Coordinator correctly believed the plan substance was approved, although the formal alignment had not yet been approved. The plan was valid. The purchases met the criteria for what should be purchased. The purchases were aligned with the requirements and intent of this funding.

Given that the approval of the plan included all time frames for the questioned expenditures, we would ask you to recognize that the intent of the regulation was fulfilled, that the accident in dates stamped versus informal approval was not material in this unique situation. We ask that you allow the schools and students be allowed to retain the funds that were used to make appropriate purchases.

That the plan was an appropriate one for this funding is well demonstrated. Having been told about the procedural changes needed, CEA resubmitted the original 2006-07 technology plan to the SCOE approver for review and approval. The original CEA 2006-07 technology plan, as submitted prior to the time of filing the FCC Form 470 (January 3, 2006) contains all the required elements and was approved July 13, 2009. Enclosed is a copy of the approval letter. These activities resulted in the approval of the CEA technology plan covering a three year period from July 1, 2007 through June 30, 2010 (approval letter enclosed). We would ask that you accept these facts as sufficient evidence to allow CEA to retain the funds used to make those appropriate purchases.

Finally, we would appreciate your receptivity to this letter and approval of our appeal. We believe our purchases met the intent of the requirements.

If you have any questions or concerns, please contact David Marson at 916-262-1500 or via email at: dave.marson@cdcr.ca.gov.

Sincerely,

DAVID MURPHY
Superintendent of Education
California Education Authority

Enclosures

cc: David Marson

CERTIFICATION OF TECHNOLOGY PLAN APPROVAL FOR SCHOOLS AND LIBRARIES UNIVERSAL SERVICE PROGRAM

The <u>Sacramento County Office of Education</u> is certified by the Schools and Libraries Division to approve technology plans for participation in the Schools and Libraries Universal Service Program.

<u>California Education Authority</u> has a technology plan that has met the standards and criteria outlined in the following checklist.

This approved plan covers the following dates:
July 1, 2006 – June 30, 2007

Successful technology plans align the overall education or library service improvement objectives with the following five criteria. To qualify as an approved Technology Plan for a Universal Service Program discount, the plan must meet these criteria. It is critical that technology planning not be viewed or treated as a separate exercise dealing primarily with hardware and telecommunications infrastructure. There must be strong connections between the proposed physical infrastructure of the information technology and the plan for professional development, curriculum reform, and library service improvements.

X The plan establishes clear goals and a realistic strategy for using telecommunications and information technology to improve education or library services.

X The plan has a professional development strategy to ensure that staff know how to use the new technologies to improve education or library services.

X The plan includes an assessment of the telecommunication services, hardware, software, and other services that will be needed to improve education or library services.

X The plan provides for a sufficient budget to acquire and maintain the hardware, software, professional development, and other services that will be needed to implement the strategy for improved education or library services.

X The plan includes an evaluation process that enables the school or library to monitor progress toward the specified goals and make mid-course corrections in response to new developments and opportunities as they arise.

Signed: _____ Date: ____July 13, 2009_____
John Fleischman, Director, Instructional Technology Projects

Signed: _____ Date: ____July 13, 2009_____
Bob Carter, Wide Area Network Coordinator

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California Education Authority has a technology plan that has met the standards and criteria outlined in the following checklist.

This approved plan covers the following dates:
July 1, 2007 – June 30, 2010

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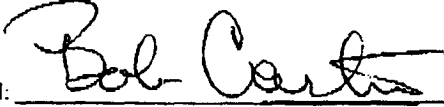
X The plan provides for a sufficient budget to acquire and maintain the hardware, software, professional development, and other services that will be needed to implement the strategy for improved education or library services.

X The plan includes an evaluation process that enables the school or library to monitor progress toward the specified goals and make mid-course corrections in response to new developments and opportunities as they arise.

Signed: _____ Date: ____March 5, 2007_____
John Fleischman, Director, Instructional Technology Projects

Signed: _____ Date: ____March 5, 2007_____
Bob Carter, Wide Area Network Coordinator